

REMARKS

Claims 55-92 are pending. Favorable reconsideration is respectfully requested.

The present invention relates to a medication for treating cancer and viral infections, comprising activated lymphocytes produced by activating lymphocytes with anti-CD3 antibody and/or IL-2 and inducing heat shock proteins in the lymphocytes. See Claim 55.

The rejection of the claims under 35 U.S.C. §102(b) over Kamwanja et al. is respectfully traversed. The cited reference fails to disclose the claimed medication.

Kamwanja et al. describe a composition of lymphocytes activated with phytohemagglutinin (PHA). The reference fails to disclose or suggest activating lymphocytes with anti-CD3 antibody and/or IL-2 as claimed. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §102(b) over Jin et al. is respectfully traversed. Jin et al. fail to disclose the claimed medication.

Jin et al. fail to disclose activating lymphocytes with anti-CD3 antibody and/or IL-2 as claimed. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §112, first paragraph, is believed to be obviated by the amendments submitted above. The issues raised in the Office Action are believed to have been addressed by the newly-added claims. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Regarding the election of species requirement, since the elected species is allowable for the reasons described above, search and examination should be expanded to the non-elected species.

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Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.


Respectfully submitted,

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